

STATEMENT OF SUBSTANCE OF INTERVIEW

In accordance to 37 C.F.R. § 1.133, submitted herewith is a record of the substance of the interview on October 21, 2008, between Examiner Tu Minh NGUYEN, regarding the above-captioned application. This statement is being submitted within one (1) month of the mailing date of October 21, 2008, of the Interview Summary and is therefore a timely response.

REMARKS

Applicants respectfully request reconsideration of the present application in view of the reasons that follow.

No claims are being amended. Claims 1, 3-5 and 7-22 remain pending.

Allowable subject matter

Applicants appreciate the indication that claims 8-11, 13-15, 17 and 18 contain allowable subject matter.

Examiner Interview

Applicants appreciate the personal Examiner interview with Examiner Nguyen on October 21, 2008, the Interview Summary of which is of record in this application. Applicants' representative, Thomas Bilodeau, explained that U.S. Patent No. 5,655,363 to Ito et al. ("Ito") did not suggest modifying U.S. Patent No. 6,263,667 to Sawada et al. ("Sawada") to include the feature in claim 1 of "wherein the abnormality determining section suspends the abnormality determination of the NOx removing catalyst when the difference of the output values of the first exhaust atmosphere detecting section and the second exhaust gas atmosphere detecting section is larger than a third predetermined value when the output value of the second exhaust gas atmosphere detecting section reaches the second predetermined value." Examiner Nguyen agreed, and noted that all the claims are allowable pending further search and consideration.

Rejections under 35 U. S. C. § 103

Claims 1, 3, 4, 7, 12 and 19-22 stand rejected under 35 U. S. C. § 103(a) as being unpatentable over U.S. Patent No. 6,263,667 to Sawada et al. ("Sawada") in view of U.S. Patent No. 5,655,363 to Ito et al. ("Ito"). Claim 5 stands rejected under 35 U. S. C. § 103(a) as being unpatentable over Sawada in view of Ito, and further in view of U.S. Patent No. 6,763,656 to Bidner et al. ("Bidner"). Claim 16 stands rejected under 35 U. S. C. § 103(a) as being unpatentable over Sawada, Ito and Bidner in view of U.S. Patent No. 5,524,433 to Adamezyk, Jr. et al. ("Adamezyk"). These rejections, all of which are based on Sawada and Ito, at least in part, are moot in light of the indication by Examiner Nguyen in the interview of October 21, 2008, that all the claims are allowable pending further search and consideration.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to

charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date October

By Thomas G. Bilodeau

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